DECISION-MAKING IMPLEMENTATION TEAM

DRAFT
REPORT TO
THE WASTE & MATERIALS MANAGEMENT TEAM

TABLE OF CONTENTS:

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1.0   Executive Summary

In the fall of 2004 the Waste Management Program began a comprehensive review of its operations. The findings and recommendations of this study are contained in the "Waste Management Program Redesign - Final Report" (Pub. No. WA-590-05) dated February 7, 2005.

One of the areas identified for further analysis in the Redesign Report was decision-making in the Waste Management Program. Decision-making, for issues ranging from the routine to highly controversial and precedent setting, is a regular part of Waste Management Program activities. Decision-making is a critical part of the Program's operations and outputs. Decision-making that is effective and efficient allows for an orderly and predictable flow of tasks through the Program. Our external customers need our decisions to plan and implement their activities.

The past success of the Program indicates that our decision-making processes and procedures are effective. However, the Redesign Team questioned whether decision-making in the Waste Program was efficient. The Team found that there was confusion as to where within the organizational structure decisions should be made. This leads to delays in getting issues to the correct decision-makers. The decision-makers in the Program were not always sure of what their authorities and responsibilities were. At times issues fall "between the cracks", in other cases too many decision-makers are called in an effort to ensure that all potential interests are in agreement. Without clearly defined authorities, too many decisions "bubble up" to the higher levels in the organization, creating a bottleneck in our decision-making processes. And some issues that make the climb to the top of the decision-making hierarchy are sent back down for more justification or a new ad-hoc team is formed to re-review the issue. These concerns point to an area of Program operations that, while not broken, may offer opportunities for improvement and time savings.

The Waste Management Team formed the Decision-making Implementation Team to further study this issue and present recommendations for consideration. The team addressed decision-making in the following manner:
- categorize Waste decisions so we're working with a manageable number of cases;
- identify the decision-makers on Waste issues and define the expertise or value that they offer;
- identify the various roles that decision-makers play in the decision-making process;
- prepare flow documents for the categories of decisions identified
- develop a decision-making matrix that offers a quick reference for   where decisions are made, the necessary partners for each category of decision, and identifying who is accountable for the final product.

A further explanation of the steps above is included in the report that follows.

Finally, the complexity of decision-making in the Waste & Materials Management Program should not be underestimated. We are asked to address large facilities and developing technologies; complex environmental and human health issues; overlap

between multiple programs within the Department; consider the goals of other State agencies and governmental units; work with concerned citizens and environmental groups; and be mindful of the long-term social and economic implications of our decisions. The recommendations and models contained in our report do not cover all of the possible questions that will arise as part of the Waste & Materials Management's decision-making activities.

We hope that this report will provide guidance that will improve decision-making for many of the issues that come before the Program in the future. We hope that it will provide a starting point for the more complex issues that don't fit our models. But good decision-making in the Waste & Materials Management Program still depends on individuals recognizing issues that go beyond the norm, alerting appropriate partners to this situation, and adjusting the decision-making process accordingly.

2.0 REPORT

2.1 Background

The Waste Management Program Redesign (WMPR) team identified a number of opportunities for immediate improvement in our operations. Decision-making was one of them (see WA Redesign Final Report - February 2005). An Implementation Team was formed to analyze this area further and to prepare recommendations for improvements for the Waste Management Team. This is the draft report of the Decision-Making Implementation Team.

The WaMT formed an Implementation Team to review our decision-making. The members of the team were: Frank Schultz - SER WA Team Supervisor, John Melby - Policy Section Chief, Carol Schmidt - NER WA Sub-team Supervisor, Tom Portle - Non-Metallic Mining Team Leader and Cynde English - SCR Waste Management Specialist. Barb Hennings - WCR Hydrogeologist and Barb Bickford - Planning & Evaluation Section Hydrogeologist were ad-hoc members of this team, providing input as time allowed.

The team was directed to consider the following sideboards in completing its charge:
> Must take into consideration new/proposed program structure and management systems.
> Authority for decision to be made at the lowest applicable level.
> Consider Issues of trust in professional opinions vs. authorities required for long term issues of enforcement.
> Clear lines of authority and responsibility.
> System of checks and balances to ensure system is working effectively including authorities for corrections.
> Review with current decision making policies including signature authorities, conflict resolution, acceptable decision models (consensus, substantial agreement, voting, etc.), and any other applicable documents utilized within the program.
> Encourages movement toward risk-taking, reduction of command and control, and movement toward green tier type activities.

Decision making can be routine or precedent setting; be narrowly focused or require technical expertise from several fields; and/or address imminent threats or allow actions that will not be fully felt or decades. Making good decisions, that stand the test of time, is a challenge at all levels in the Program. Making decisions that fairly weigh the value of the environment against our other social and economic needs is as much art as science. We cannot be so conservative in our approaches as to cripple the present, nor so short sighted that we squander future opportunities. We must be understanding and firm, consistent and risk-taking, prompt and thorough, trusting and vigilant. While we cannot hope to create a single decision making model that will be sufficient for all situations, the members of the Decision Making Implementation Team believe that the Waste & Materials Management Program can provide new and modified guidance for decision-making that will be helpful to staff, supervisors, and administrators.

We believe that all decision making requires the following steps: need identification, transmittal to appropriate level/unit, prioritization of needs, data/resource gathering, data analysis and preparation of recommendation(s), decision, and oversight. The more quickly we can move along this path, the more quickly we reach our decisions. This has the benefits of saving both our time and our customers' time. A further discussion of each of these steps may be useful:

2.2 Decision Steps

Understanding the steps needed to take an issue from the start, or identification point, to the finish, or decision, is important to determining efficient processes for decision-making.

Need Identification: Decision-making is an attempt to address the needs that have been brought to our attention. These needs can come from any level in the Waste Program, from other Programs, from external customers, the general public, the legislature, and more. They can be as routine as a plan submittal or an innovative idea that will require statutory change. We will identify many needs that may help the environment, our staff, and our customers if we're good listeners. There will always be more needs than we can address. Each individual will need to determine which needs deserve attention. We have not attempted to provide guidance on need identification. We believe that experience is the best teacher in this area.

Assignment: Once a need had been identified and a determination made to forward it, it is important to know where in the organization to transfer the information. Without clear direction both the sender and receiver can suffer from paralysis of undetermined length. We have tried to provide additional guidance in this area (flow diagrams and decision matrix) to allow for smooth and timely movement of needs to the proper decision making level or unit within the Program. It is important that decisions are transferred to the person of unit responsible for making the decision __and__ the person or unit overseeing the accountability of the decision. This ensures that issues needing attention will not be stalled at one location in the process.

If a decision-maker does not agree that the decision has been properly assigned, then the decision-maker should raise this issue to the accountability level. Together, they can determine if another decision-making unit is more appropriate or to ask for assistance

on assignment of the issue from the oversight unit. (see Decision-Making Matrix in Section 4.0).

Prioritization of Needs: Due to limitations in resources, not all needs that reach the appropriate decision making level can be addressed in a timely fashion. The needs that are transmitted to decision-making units must be measured against other, competing projects to determine if they should receive attention. Feedback on the timeline for making a decision needs to go back to the sender, since they may have a customer waiting for the decision. In situations where the timeline for a decision creates a severe hardship for a customer, non-precedent setting case-by-case decisions or exemptions/variances may be a useful alternative.

We have not offered guidance for prioritizing needs. Changes in staffing levels, the training and experience levels of staff, and fluctuations in the number and complexity of needs identified are more important in this process than any guidance that we might develop.

Data/Resource Gathering: Decisions are only as good as the information they are based upon. Our decisions makers must determine if they have enough data to make a determination, without asking for an unreasonable effort from our customers. None of our decisions will be made with perfect knowledge. Advances in the understanding of our environment that will occur in the next fifty, ten, or even five years could drastically change our views on the projects presently being submitted. However, these risks should not deter us. We have the responsibility to do our best with the tools available to us, and the realization that the failure to act may lead to a poorer environment in the future.

Decisions that affect other programs will need their input. Resource gathering can include getting time commitments from other programs. This can be a difficult area since our programs have different goals and priorities. If a project leader determines that necessary inputs from other programs will not be delivered in a timely fashion, then a decision to either elevate the issue for conflict resolution or drop the project should be made. Program supervisors, section leaders, program experts, the WaMT, and the AWMT can be used to resolve problems of this type.

Analysis/Recommendation: Staff should use existing statutes, codes, and guidance to make their decisions. When these tools are inadequate, consultation with supervisors, counterparts, and program experts may lead to a consensus for a course of action. Sometimes a project can be moved to another decision-making unit with a different set of skills for analysis. When conflicts arise, dispute resolution models that include administrators and/or the AWMT should be explored.

The analysis of a submittal should be completed with applicable timelines. When this isn't possible, the first-line supervisor should be notified as soon as possible.

Decision: Our decisions should be clear and unambiguous. Saying no is an important part of our jobs. We must be able to explain our decisions to our customers, legislators, the general public, and other interested parties in understandable terms.

Accountability: Each decision identified in this report is subject to review. We call this as accountability. This step improves consistency throughout the Program, identifies training needs for individuals and units, and helps to identify issues that lie outside our existing guidance. The relationship between the decision-making unit and the accountability unit is meant to be a close partnership. Both units work together to ensure the existing guidance and procedures are followed and that our decisions are consistent.

The accountability role in decision-making is often given to the first-line supervisor. However, for more important decisions, this role may be at higher levels in the organization (even outside the program).

Oversight: Oversight is similar to accountability but generally deals with reviewing types of decisions (rather than individual decisions) over a longer time period. Oversight is needed to assess the efficiency and effectiveness of our decision-making processes. The insights gained by oversight may serve to support continuing existing operations or point to needed policy changes.

2.3 Decision Making Units

The following decision-makers (individuals or work units) work to address issues important to the success of the Waste & Materials Management Program. These decisions range from routine decisions having short-term impacts to precedent setting decisions that will guide the Program for years to come. These decisions support the health and quality of life of the general public, allow our customers to operate their facilities and businesses in a rational manner, and protect the environment for future generations. These individuals and work units play different roles in our decision-making processes, depending on their positions, knowledge and experience. In all cases their participation is meant to add value to our decisions.

<u>Regional Staff:</u> Includes engineers, hydrogeologists, program assistants, and specialists responsible for solid waste, hazardous waste, recycling, and/or mining activities. These employees have specialized training and experience in waste transportation, handling, & disposal; groundwater movement & monitoring; field construction operations; waste statutes, codes, & guidance; mining operation & reclamation; and recycling & waste Minimization.

<u>Regional Supervisors:</u> Understand the goals and priorities of field operations in all Waste & Materials Management programs. These supervisors are responsible for matching Regional needs and commitments with available resources to achieve program goals. They communicate new program goals, policies and guidelines to the staff assigned to them and ensure that they are adequately trained to perform assigned tasks. They are also the decision-makers for many Regional activities.

<u>Regional EE Staff:</u> Provide assistance to WMMP staff when enforcement actions are being considered. They ensure that proper documentation and evidence has been gathered to support recommended enforcement actions.

Regional Administration: Knowledgeable about the goals and priorities of all Department activities within their Regions, as well as local political and social institutions. Responsible for ensuring that Regional WMMP decisions support other Regional initiatives.

Program Experts: These program staff have been formally recognized as having unique experience, training, or skills. At the current time program experts are being considered for SW plan review activities. In the future other areas of the program may have designated experts as well. Program experts are expected to assist staff and their supervisors in scheduling and completing important tasks.

Teams: (Note: At this time the future role of Standing Teams in the Waste & Materials Management Program has not been defined. If a new organizational structure, including teams, is adopted prior to completion of our final report, we will include the role of Teams in our report.)

Central Office Staff: Staff in the Central Office will be most active in the areas of policy and guidance development, assessing new technologies, quantifying and evaluating program accomplishments, managing equipment and financial resources, maintaining common data systems, and preparing reports for administrators and legislators. They may also be responsible for the oversight of certain regulatory tasks on a statewide basis. This role differs from that of the program expert in that it does not include the oversight of other staff.

Section Chiefs: The Section Chiefs have a dual role of being the first-line supervisor for their assigned staff in the Central Office and a technical for many of the issues associate with their Section. They are called upon to be partners in many decisions and help to ensure consistency in decision making.

Bureau Director: Responsible for over-all management of the WMMP. Our Administration may call upon the Bureau Director to make decisions under very tight timelines. The Bureau Director, or designee, can deviate from the guidance in this report, when this is in the best interests of the Program.

WMMT: Ensures that the work units within the WMMP are meeting agreed upon commitments (accountability). Responsible for implementation of new rules and guidance for the WMMP. Responsible for budget and other resource allocation decisions for the Program.

AWMT: Oversees the operations of the programs in the Division, especially important decisions that have wide-ranging impacts within and outside the Department and performance measures that serve as indicators of overall program performance. Reviews and approves major policy and budget decisions for the programs. Ensures that the programs in the Division communicate and work in harmony.

Legal Services: Provides counsel and interpretation of Federal laws, State Statutes, and Administrative Codes for the Waste & Materials Management Program. Assists in the development of referrals to DOJ.

DOJ: Involved in decision-making just prior to, and continuing through civil and criminal referrals.

EPA: Provides oversight on some budget, policy, and workplanning decision-making. Involved as a partner in decision-making for HW licensing.

Externals: Externals serve as partners for some policy decisions. Their inputs can be useful in finding solutions to issues that protect the environment with a minimum of unintended results.

Other Programs: Other programs have regulatory overlaps involving some of the decisions that we make. They need to be aware and involved in these decisions to ensure that we don't send mixed signals to external customers.

Other Agencies: Other agencies should be included in decision-making on an as-needed basis.

2.4 Roles & Responsibilities

Recommendations (R)- Some decisions call for a recommendation by one unit within the program. These recommendations are then forwarded for analysis and a final determination. Recommendations should not be reviewed at more than one level before a determination is taken.

Decision (D) - This designates the decision-maker or unit responsible for taking a final action for a decision type.

Accountability (A) - Every determination is subject to review by another decision-maker. These reviews can cover a variety of parameters, including, but not limited to: timeliness, accuracy, thoroughness, technical merit, consistency with other decisions, and tone.

Oversight (O) - Recommendations and decisions can be reviewed on a regular basis to ensure that the existing process, policies, and guidance are furthering the goals of the Department and that they are being applied consistently across the state.

Partners (p) - For many decisions there will other, impacted work units. Those directly affected are necessary partners to the decision process and final determination. Other partners may exist

2.5 BUDGET DECISION PROCESS

Purpose

The budget decision process provides for a balanced budget to support critical programs, meet stakeholder expectations, striving to achieve continual improvement and protection of public health and the environment while maintaining efficiency.

- Periodically review the program practices that impact the most productive utilization of budgetary resources;
- Integrate aspects of budget development including flexibility, innovation, and identification of financial incentives and/or disincentives.

Budget Decision Types

- Annual allotments
- Special requests
- Unanticipated significant expenses
- Short term grant funding sources and other opportunities

Decision Making Process

Funding for mandatory costs and discretionary allotments such as travel, training, supplies, LTE's, etc. are proposed for each program organizational unit. Budget decisions begin with approval from the WaMT, moves on for approval from the Air and Waste Team and ends up with the Secretary for final approval and inclusion in the Department's budget. After the budget has been approved, unanticipated significant expenses are brought be the WaMT for discussion and endorsement.

2.6 WORK PLANNING DECISION PROCESS

Purpose

The work planning decision process evaluates staff resources, grant obligations, performance measures and accountability issues in an effort to maintain and meet standards, stakeholder expectations, and manage an efficient program.

- Efficiently manages staff time within budget restraints
- Uses principles of Continuous Quality Improvement to check progress and make work plan revisions
- Minimizes the impact of staff and budgetary resource reductions
- Coordinates with other programs within the Department to ensure collaboration where our program is linked (e.g., Water, R&R, Air, Enforcement, Legal, etc.)

Decision Making Process

Work Plans

- **Program Work Planning Coordinator initiates development of action plans for WaMT review and approval**
- **Secretary sends memo initiating the next biennial Work Planning Cycle**
- **Program Work Planning Coordinator prepares the work planning guidance with Bureau Director and forwards to the Air and Waste Team for approval**
- **Air and Waste Team approves draft Work Planning Guidance and forwards to DLT for approval**
- **Work Planning for the next biennium begins when DLT/Air Waste Team guidance is distributed to supervisors**
- **Section Chiefs/Regional Managers prepare draft work plans and strategic narrative**
- **Draft work planned hours are entered into a Work Plan System data base**
- **Work Planning Coordinator extracts a draft program work plan for WaMT review and approval**
- **Work Planning Coordinator prepares a program cover memo indicating changes in priorities, staffing patterns, performance measures, etc. and forwards draft work plan with memo to Air and Waste Team for approval**
- **Share draft work plan with internal partners and resolve identified**
- **Division or Department Program Management Teams share draft work plans with partners/stakeholders and share comment with Program**
- **Work Planning Coordinator responds and resolves to any issues raised by partners and stakeholders**
- **WaMT approves adjustments to draft work plan taking budgetary changes into account**
- **Distribute final work plan**
- **Monitor work plan at least quarterly or more frequently using the PALs/Work Plan Comparison System**
- **Evaluate what's been accomplished during first year of biennium and make necessary adjustments for second year of biennium**

Activity Codes

- **WaMT assesses the needs and effectiveness of current functional activity codes**
- **A mid-course review for effectiveness of the system, e.g., providing adequate audit trails for various funding sources, linking activities to objectives, measuring outputs, etc. is performed by the WaMT**
- **WaMT approves activity code revisions**

2.7 POLICY/GUIDANCE DECISION PROCESS

Purpose

The policy/guidance decision process provides an opportunity for feedback from internal and external stakeholders to shape and balance policies that protect human health, the environment, and promote economics.

- **Maintain consistency with adequate flexibility**
- **Encourage risk-taking**
- **Efficiently manage public and private resources**

Policy Decision Types

- **Revise and establish administrative rules, guidance, publications and proposed statutes**
- **Streamlining**
- **Provide consistent decisions**
- **Address precedent setting issues**
- **Implement timelines**
- **Identify innovative approaches/going beyond compliance, and the implications for stakeholders**
- **Provide outreach to stakeholders on program issues and processes**

Decision Making Process

Policy/guidance needs are identified and shared with the appropriate media Section Chief or Regional Waste Manager. Issues are broken into two categories, simple and complex.

Simple issues:

- **Begin with preparation of a *final* issue document**
- **Requires a low level of time and resources**
- **Calls for informal stakeholder input**
- **May be approved by the Section Chief or Regional Manager**

Complex issues:

- **Begin with the preparation of a *draft* issue document**
- **Requires a significant level of time and resources**
- **Calls for stakeholder input in accordance with a communication plan**
- **Needs approval from the WaMT**

The following guidelines apply to both simple and complex issues:

- **Development of an issue document**

- Routing the document to media Section Chief or Regional Manager for review and approval
- Routing or presenting issue document to WaMT and LS for comment/approval
- Conveying comments to drafter (typically within 2 weeks) to work into document
- Drafter resolves comments with Section Chief/Regional Manager
- Further comments/approval may need to be sent back to the WaMT for approval
- Document is routed to Bureau Director for final approval
- Document is proofread and assigned a publication number
- Document is posted on the Web

2.8 IMPLEMENTATION DECISION PROCESS

Purpose

Through the implementation decision process statutes, codes, policies, and guidance is interpreted and applied in a consistent, practical and efficient manner for the protection of public health and the environment.

- Find opportunities and innovative approaches to efficiently utilize staff and external stakeholder resources;
- Maintain and develop tracking systems that document accomplishments and plan for future resource allocation, and
- Link implementation decision-making to environmental improvements using performance measures and other monitoring techniques.

Implementation Decision Types

- Routine inspections, audits, exemptions, plan reviews and licensing
- Uncommon or technically complex decisions requiring input from peers and program experts
- Precedent setting decisions
- Secondary enforcement action decisions

Decision Making Process

Routine implementation decisions are independently made by staff and with support from first-line supervisors. Complex/precedent setting issues may lead to policy (see 2.7 Policy/Guidance Decision Process) requiring a higher level of support before decisions can be made. Working with program experts and peers ensures program consistency.